



# PLANNING COMMISSION REGULAR MEETING

City Council Chambers, 128 Main Street  
Wednesday, September 23, 2020  
6:00 P.M.

## AGENDA

1. **Call to Order, Roll Call and Pledge of Allegiance**
2. **Special Presentations:** None
3. **Approval of Minutes:**
  - A. June 24, 2020 Regular Meeting
4. **PUBLIC HEARINGS:**
  - A. **Appeals Provisions Modifications:**
    1. An Ordinance of the City of Cañon City Amending Various Section of the Cañon City Municipal Code to Clarify the Appropriate Appellate Body for Various Administrative Decisions Provided for Under the Cañon City Municipal Code
    2. A Resolution of the Planning Commission of the City of Cañon City, Colorado Approving Certain Amendment to the Subdivision Regulations Concerning the Appeals Process for Site Plans  
**Applicant:** City of Cañon City
  - B. **Sign Contractor Licensing Modification**

An Ordinance of the City of Cañon City Repealing Section 17.30.100 and 17.30.110(B) of the Cañon City Municipal Code Concerning Sign Contractor Licensing  
**Applicant:** City of Cañon City
5. **Announcements/Discussion Items:**
  - A. Joint Planning Commission & City Council Meeting in October, date to be determined
6. **Adjournment**



# Planning Commission

**AGENDA ITEM 3.A.**



# City of Cañon City

City Council Chambers, 128 Main Street – Cañon City, CO 81215-1460  
719-269-9011 [www.canoncity.org](http://www.canoncity.org)

**PLANNING COMMISSION MEETING**  
**June 24, 2020**  
**6:00 p.m.**

## ACTION MINUTES

**CALL TO ORDER:** Chairman Meloni called the Regular Meeting to order at 6:00 p.m.

	PRESENT	ABSENT
Planning Commission Chair Meloni	X	
Planning Commissioner Clark	X	
Planning Commissioner Clement		X
Planning Commissioner Ledoux	X	
Planning Commissioner Sheagley		X
Planning Commissioner Maas		X
Planning Commissioner R. Smith	X	

**ALSO PRESENT:** Patrick Mulready, City Planner; Kathryn Sellars; Denise Warren, Secretary.

**Approval of Minutes:** On motion by Commissioner R. Smith and second by Commissioner Ledoux, those members present unanimously approved the minutes of the March 4<sup>th</sup>, March 25<sup>th</sup>, April 22<sup>nd</sup>, May 20<sup>th</sup>, meeting minutes.

### **PUBLIC HEARING(S):**

#### **4A.) PUBLIC HEARINGS: A. Special Review Use Accessory Dwelling Unit (ADU) at 316 S. 10th Street**

**Findings of Fact:** On motion by Commissioner R. Smith and second by Commissioner Ledoux the Findings of Fact were approved.

**MOTION:** On motion by Clark and second by Commissioner R. Smith, recommend City Council approve the ADU, Accessory Dwelling Unit.

**4B.) Rezoning from R1, Low Density Residential to R3, High Density Residential Former Church and Rectory at 501 & 503 Griffin Avenue.**

Public Hearing was opened at 6:15 p.m.

Discussion followed.

Hearing was closed at 6:26 p.m.

**Findings of Fact:** On motion by Commissioner Clark and second by Commissioner R. Smith, the Findings of Fact were approved.

**MOTION:** On motion by R. Smith and second by Commissioner Ladoux, recommend City Council approve the rezoning.

**5.) Joint Planning Commission & City Council Meeting on Wednesday, July 8, 2020 for the Comprehensive Plan Update Kickoff Meeting with Houseal Lavigne.**

**ADJOURN:** The meeting adjourned at 6:30 p.m.

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Gerald Meloni, Chairman

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Denise Warren, Secretary

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Patrick Mulready, City Planner



**Planning Commission**  
**AGENDA ITEM 4.A.**



# CITY OF CAÑON CITY, COLORADO

## Staff Report | Community Development Department Planning & Zoning Division

**To:** City of Cañon Planning Commission

**From:** Patrick Mulready, City Planner  
Kathryn Sellars, City Attorney

**Through:** Ryan Stevens, Interim City Administrator

**Date:** September 23, 2020

**Regarding:** **Public Hearing:**

**Appeals Provisions Modifications:**

1. An Ordinance of the City of Cañon City Amending Various Section of the Cañon City Municipal Code to Clarify the Appropriate Appellate Body for Various Administrative Decisions Provided for Under the Cañon City Municipal Code
2. A Resolution of the Planning Commission of the City of Cañon City, Colorado Approving Certain Amendment to the Subdivision Regulations Concerning the Appeals Process for Site Plans

### Section 1.

#### Subject & Proposal:

**Location:** City-wide application of policy

**Applicant:** City of Cañon City

**Proposal:** Council is undertaking a project to update its appeals processes through the Code. While the scope of this project goes beyond land use, it also implicates a few provisions of the City's land use regulations.

### Section 2.

#### Analysis:

#### Summary of Modifications to Titles 16 and 17:

The first provision implicated is the appeals process in Sec. 16.25 of the Subdivision Regulations regarding appeals of site plans. The purpose of the amendment to this Section is to direct appeals to the Board of Adjustment. (Refer to Exhibit Attachment B to this Staff Report)

In addition to the amendments to the Subdivision Regulations, the appeals process project will also make minor amendments to Title 17 in the Code which are outlined below by section in the ordinance:

Section 9. This amendment redirects appeals from a decision of the Zoning Administrator on a comprehensive sign plan from City Council to the Board of Adjustment.

Section 10. This amendment deletes a reference to the appeals process requirements in Sec. 17.44.030 which is addressed in Section 13 of the ordinance.

Section 11. This amendment shortens the timeline for decision by the Board of Adjustment for all appeals from 40 to 30 days following the conclusion of the hearing. The amendment also makes clear that the decisions need to be in writing and sent to the appealing party and the authority that made the original decision.

Section 12. This amendment deletes the reference to judicial review. The timeframe stated in this section is no longer correct under Colorado law. Generic language regarding judicial review was added through section 11 of the ordinance.

Section 13. This amendment deletes any reference to an “appeals” form, which the City does not supply.

### Section 3.

#### Recommendation:

Following a Public Hearing on these proposed modifications to the City’s appeals process, Planning Commission should approve both the proposed Ordinance and the proposed Resolution:

#### Suggested Motions:

*“I move the Planning Commission recommend City Council approve the Ordinance amending various sections of the Municipal Code to clarify the appeals process for various administrative decisions.”*

*“I move the Planning Commission approve Resolution 2, Series of 2020, amending the appeals process for Site Plans.”*

### Section 4.

#### Exhibit Attachments:

- A. **Ordinance:** *“An Ordinance of the City of Cañon City Amending Various Section of the Cañon City Municipal Code to Clarify the Appellate Body for Various Administrative Decisions Provided for Under the Cañon City Municipal Code”*
- B. **Planning Commission Resolution 2, Series of 2020:** *“A Resolution of the Planning Commission of the City of Cañon City, Colorado Approving Certain Amendment to the Subdivision Regulations Concerning the Appeals Process for Site Plans”*

**A BILL FOR  
ORDINANCE NO. \_\_\_, SERIES OF 2020**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING VARIOUS SECTIONS OF THE CAÑON CITY MUNICIPAL CODE TO CLARIFY THE APPROPRIATE APPELLATE BODY FOR VARIOUS ADMINISTRATIVE DECISIONS PROVIDED FOR UNDER THE CAÑON CITY MUNICIPAL CODE.**

**WHEREAS**, under the Cañon City Municipal Code, the City Council serves as the appellate body for numerous appeals under the Code;

**WHEREAS**, the City Council recognizes that there are more appropriate appellate bodies to hear certain appeals; and

**WHEREAS**, the City Council desires amend the Cañon City Municipal Code to clarify and streamline certain appeals processes.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Section 2.04.030 of the Cañon City Municipal Code is hereby repealed in its entirety.

Section 2. Sections 2.52.010 and 2.52.020 of the Cañon City Municipal Code are hereby repealed and Section 2.52.010 is reenacted to read as follows:

**2.52.010 Appeal Rights and Procedures**

A. City Council. Appeals to the City Council shall be made as set out in this subsection. Appeals to City Council are only authorized when expressly provided for in this Code.

1. Any aggrieved person, upon receipt of written notice of the determination or decision of an administrative official may, in writing, and within thirty (30) days after receiving such notice, request a hearing on the matter before the City Council when specifically authorized to do so by this Code. The City Clerk shall notify the appellants in writing at least ten (10) days prior to the hearing date of the time and date of the hearing, to be held not more than thirty (30) days from receipt of the notice. The decision of the City Council upon such hearing shall be final, subject to judicial review.

2. Such request for hearing shall contain at least the following:

- (a) A brief statement of the order or action being appealed;
- (b) A brief statement of any material facts supporting the appeal;



(c) A brief statement of the relief being sought (*i.e.*, the order or action should be reversed, modified, or otherwise set aside) and why the relief should be granted; and

(d) The signatures of all persons appealing the decisions and their mailing addresses.

B. Appeals to Board of Adjustment. Appeals to the Board of Adjustment shall be made in accordance with Section 17.36.050 of this Code.

C. Appeals to City Administrator. Appeals to the City Administrator shall be made as set out in this subsection.

1. Any aggrieved person, upon receipt of written notice of the determination or decision of an administrative official may, in writing, and within ten (10) days after receiving such notice, submit a written request for appeal to the City Administrator when specifically authorized to do so by this Code.

2. Such request for appeal shall contain at least the following:

(a) A brief statement of the order or action being appealed;

(b) A brief statement of any material facts supporting the appeal;

(c) A brief statement of the relief being sought (*i.e.*, the order or action should be reversed, modified, or otherwise set aside) and why the relief should be granted; and

(d) The signatures of all persons appealing the decision and their mailing addresses.

D. Failure of any person to file a timely appeal in accordance with the provisions of this Section shall constitute a waiver of the right to an appeal.

E. Only those matters or issues specifically raised in the written appeal shall be considered by the appellate body or official.

G. The decisions of the City Council, Board of Adjustment, and City Administrator shall be made in writing, and shall contain findings of fact and any conditions within thirty (30) days after the hearing or decision, as applicable. A copy of the decision shall be sent to the appealing party and the administrative body or official of the City whose decision has been the subject of the appeal.

Section 3. Section 5.12.050 of the Cañon City Municipal Code is hereby repealed and reenacted to read as follows:

**5.12.050 License – Denial or Revocation Conditions**

Any license issued pursuant to this Chapter may be revoked, suspended or refused to any person, firm or corporation that intentionally violates the federal, state or municipal laws, rules and ordinances pertaining to the building trades. A contractor's license may be revoked or suspended immediately by the Building Inspector if the situation warrants such action. The contractor may appeal the decision of the Inspector to the City Administrator pursuant to Section 2.50.010(C) of this Code.

Section 4. Section 5.40.070 of the Cañon City Municipal Code is hereby repealed and reenacted to read as follows:

**5.40.070 Appeals to City Administrator**

Any person may appeal any decision made by the City Clerk (or by a hearing officer designated by the City Clerk) relating to their license or permit to the City Administrator pursuant to Section 2.50.010(C) of this Code.

Section 5. Section 8.40.030(C) of the Cañon City Municipal Code is hereby amended to read as follows:

C. Section 205.1 is amended to read:

**205.1 General.** The Board of Adjustment is hereby designated as the Board of Appeals and shall hear and decide all appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code.

Section 6. Section 9.10.030 of the Cañon City Municipal Code is hereby repealed and reenacted to read as follows:

**9.10.030 Permit – Revocation**

A. A permit granted pursuant to this Chapter may be revoked by the joint decision of the City Clerk and the Chief of Police for violation of any provision of this Chapter and/or of the rules and regulations if any, promulgated pursuant to Section 9.10.040. No revocation shall become effective until thirty (30) days after the date the notice of revocation is mailed, postage prepaid, to the licensee's address, as shown in the City's files, or such notice is otherwise served upon the licensee.

B. Any decision to revoke a permit may be appealed to the City Administrator pursuant to Section 2.52.010(C) of this Code. Revocation shall be further stayed until the completion of the licensee's appeal.

Section 7. Sections 13.10.100(C), (D), (E), (F), (G) and (H) of the Cañon City Municipal Code is hereby repealed and subsections (C) and (D) are reenacted to read as follows:

C. If the Director has delegated administration pursuant to subsection A above, any person aggrieved by any decision or determination of the designee may appeal to the City Administrator for a hearing on revision or modification of such decision or determination no later than thirty (30) days after the date of the decision by the designee pursuant to Section 2.52.010(C) of this Code.

D. If the Director has not delegated administration pursuant to subsection A above, any person aggrieved by any decision or determination of the designee may appeal to the City Council for a hearing on revision or modification of such decision or determination no later than ten (10) days after the date of the decision by the designee pursuant to Section 2.52.010(A) of this Code.

Section 8. Fee Schedule in Appendix B, Chapter 16.08 of the Cañon City Municipal Code is hereby amended to read “Appeal of Site Plan to Board of Adjustment” instead of “Appeal of Site Plan to City Council”.

Section 9. Sections 17.30.075(E), (F), (G), (H), and (I) of the Cañon City Municipal Code are hereby repealed and subsection (E) is reenacted to read as follows:

E. An applicant may appeal a decision by the Zoning Administrator denying the application or imposing any condition in the Notice of Decision to the Board of Adjustment pursuant to Section 17.36.050 of this Code.

Section 10. Section 17.36.050(E) of the Cañon City Municipal Code is hereby deleted in its entirety and the remaining sections shall be renumbered accordingly.

Section 11. Section 17.36.060(E) of the Cañon City Municipal Code is hereby amended to read as follows:

The Board’s decision shall be made in writing not later than thirty (30) days following the conclusion of the hearing. All such decisions shall be writing and sent to the appealing party and the administrative body or official of the City whose decision has been the subject of the appeal. The Board’s decision shall be final, subject to judicial review.

Section 12. Section 17.36.060(F) of the Cañon City Municipal Code is hereby deleted in its entirety.

Section 13. Section 17.44.030(A) of the Cañon City Municipal Code is hereby amended to read as follows:

All permits, petitions, and applications provided for in this title shall be made on forms provided for the purpose or as otherwise prescribed by the Planning Commission, Board of Adjustment or City Council, in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record.

Section 14. Section 20.10.160(I) of the Cañon City Municipal Code is hereby deleted in its entirety.

Section 15. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 16. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.

**EXHIBIT B**

**RESOLUTION NO. 2, SERIES OF 2020**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAÑON CITY, COLORADO APPROVING CERTAIN AMENDMENTS TO THE SUBDIVISION REGULATIONS CONCERNING THE APPEALS PROCESS FOR SITE PLANS**

**WHEREAS**, pursuant to Section 16.08.010 of the Cañon City Municipal Code, the Planning Commission has the authority to amend subdivision regulations for the City;

**WHEREAS**, the City desires to amend the subdivision regulations to make the Board of Adjustment the appellate body to hear appeals on staff decisions regarding to site plans; and

**WHEREAS**, after a duly-noticed public hearing pursuant to C.R.S. § 31-23-214, the Planning Commission makes the following findings.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE PLANNING COMMISSION OF CAÑON CITY**, as follows:

1. The Planning Commission has reviewed the amendments to the City's subdivision regulations, considered the testimony received and staff report, and finds that these amendments to the City's subdivision regulations are in the best interests of the citizens of Cañon City.
2. The Planning Commission hereby adopts the following subdivision regulations:
  - A. Section 16.25(B)(8) of the Subdivision Regulations is hereby amended to read as follows:
    8. Staff Action. The Staff may approve, conditionally approve or deny the site plan based on the site plan review criteria. Any action taken by the Staff shall become final unless appealed and shall be documented in a memorandum of decision. Any aggrieved party may appeal the decision to the Board of Adjustment pursuant to Section 17.36.050 of the Cañon City Municipal Code.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Gerald Meloni, Chair of Planning Commission

\_\_\_\_\_  
Denise Warren, Clerk to the Planning Commission



## Planning Commission

AGENDA ITEM 4.B.



# CITY OF CAÑON CITY, COLORADO

## Staff Report | Community Development Department Planning & Zoning Division

**To:** City of Cañon Planning Commission

**From:** Patrick Mulready, City Planner  
Kathryn Sellars, City Attorney

**Through:** Ryan Stevens, Interim City Administrator

**Date:** September 23, 2020

**Regarding: Public Hearing:**  
**Sign Contractor Licensing Modification:**  
An Ordinance of the City of Cañon City Repealing Section 17.30.100 and 17.30.110(B) of the Cañon City Municipal Code Concerning Sign Contractor Licensing

### Section 1.

#### Subject & Proposal:

**Location:** City-wide application of policy

**Applicant:** City of Cañon City

**Proposal:** Earlier this year, the City modified the process for outdoor advertising and sign installation contracting to have all such licensing done through the office of the Building Official, rather than the City Clerk's Office. Overlooked in that effort were certain licensing requirements specified in Chapter 17.30 of the City's Municipal Code.

### Section 2.

#### Analysis:

#### Modifications to Title 17:

The second ordinance removes from Title 17 all references to the sign contractor licensing. This section was overlooked when the City modified Title 5 earlier this year to transfer the responsibility of licensing sign installers through the Building Official's Office. This Ordinance corrects that oversight and makes Title 17 consistent with Title 5 in how it addresses sign installer performing work in the City. (Refer to Exhibit Attachment A to this Staff Report)

### Section 3.

#### Recommendation:

Following a Public Hearing on these proposed modifications to the City's sign contractor licensing provisions, Planning Commission should approve both the proposed Ordinance and the proposed Resolution:

#### Suggested Motion:

*"I move the Planning Commission recommend City Council approve the Ordinance Repealing two sections of Chapter 17.30 concerning Sign Contractor Licensing."*

### Section 4.

#### Exhibit Attachments:

- A. **Ordinance:** *"An Ordinance of the City of Cañon City Repealing Section 17.30.100 and 17.30.110(B) of the Cañon City Municipal Code Concerning Sign Contractor Licensing"*



**EXHIBIT A**

**A BILL FOR  
ORDINANCE NO. \_\_\_, SERIES OF 2020**

**AN ORDINANCE OF THE CITY OF CAÑON CITY REPEALING SECTIONS  
17.30.100 AND 17.30.110(B) OF THE CAÑON CITY MUNICIPAL CODE  
CONCERNING SIGN CONTRACTOR LICENSING**

**WHEREAS**, the City amended its contractor licensing provisions in Chapter 5.12 of the Municipal Code through Ordinance No. 9, Series 2020;

**WHEREAS**, the new contractor licensing provisions governing the licensing of sign trade contractors; and

**WHEREAS**, with the new contractor licensing provisions, the sign contractor licensing provisions in Sections 17.30.100 and 17.30.110(B) are no longer necessary.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Sections 17.30.100 and 17.30.110(B) are hereby deleted in their entirety.

Section 2. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.